



**APPROVED**

**BOARD OF ADJUSTMENT  
CITY OF SCOTTSDALE  
3939 NORTH DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA  
JUNE 7, 2006**

**REGULAR MEETING MINUTES**

**PRESENT:** Carol Perica, Chairman  
Jennifer Goralski, Vice-Chairman  
Patrick Davis, Board Member  
Ernest Jones, Board Member  
Howard Myers, Board Member  
James Vail, Board Member  
Neal Waldman, Board Member

**STAFF PRESENT:** Tim Curtis  
Sherry Scott  
Jesus Murillo  
Kira Wauwie

**CALL TO ORDER**

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Perica at 6:02 p.m.

**ROLL CALL**

A formal roll call confirmed the members present as stated above.

**APPROVAL OF MINUTES**

1. May 3, 2006 Board of Adjustment Study Session Minutes

**BOARD MEMBER MYERS MOVED TO APPROVE THE MAY 3, 2006 STUDY SESSION MINUTES OF THE BOARD OF ADJUSTMENTS. SECONDED BY**

**APPROVED 8/2/2006 BOA HEARING-fc**

**BOARD MEMBER VAIL, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

2. May 3, 2006 Board of Adjustment Minutes

**BOARD MEMBER MYERS MOVED TO APPROVE THE MAY 3, 2006 REGULAR MEETING MINUTES OF THE BOARD OF ADJUSTMENTS. SECONDED BY BOARD MEMBER VAIL, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

**REGULAR AGENDA**

3. 2-BA-2006 Shoen Residence

Chair Perica stated that the Applicant was requesting a continuance, noting that the circumstances surrounding the request had been reviewed during the study session.

In response to an inquiry by Board Member Jones, Ms. Scott clarified that Rule 206 which allows continuances states that one continuance may be granted by right and a second continuance may be granted if there are extenuating circumstances or if a Board Member makes a motion for another continuance.

**BOARD MEMBER VAIL MOVED TO GRANT 2-BA-2006 A CONTINUANCE TO THE AUGUST 2, 2006 MEETING OF THE BOARD OF ADJUSTMENTS. SECONDED BY VICE-CHAIR GORALSKI, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

Chair Perica mentioned that there was a public speaker card on this matter which would be held until the case is heard on August 2.

4. 6-BA-2006 Armenian Apostolic Church of Arizona

Ms. Wauwie addressed the Board. Highlights of her presentation included a zoning map for the R1-35 district, an aerial close-up photo, the site plan, and elevations of the worship facility. She noted that the request was for a height variance from the allowed 45 foot height to a proposed 60 foot height.

In response to a question by Board Member Myers, Ms. Wauwie clarified that building permits lapse after one year. Approval of a phasing plan would be needed for a site that would be phased, which was not obtained by the Applicant. The Applicant received a building permit only for the existing community building, not for the church building.

Board Member Vail mentioned that the Board received a letter indicating that there was enforcement action being taken on the dilapidated building to the south of the church property. Ms. Wauwie confirmed that the property to the south was not owned by the Church and there is no code enforcement action on the Church property.

Mr. Art Kanachen (phonetic), architect for the project, 9749 East Dreyfus Avenue, addressed the Board. Presenting a depiction of the Church that was the inspiration for the design, Mr. Kanachen reviewed the historic background surrounding the Church design explaining that Armenians built churches and monasteries as their civic symbols and forms. Presenting a depiction of the current design he discussed the height of the dome, noting that the top of the dome forms a cone and is reduced in shape, form, and volume as it reaches the sixty-foot height. He mentioned that the dome would only be visible from a handful of homes in the area.

Chair Perica inquired whether the Applicant was prepared to address the four criteria. Mr. Kanachen responded that the first criteria was the historic significance, the second criteria was addressed because the site had been requested for the purpose of building a church which conformed with traditional Armenian design, the third criteria was addressed because many investments and donations had been made to accomplish the goal, and the fourth criteria was addressed by the fact that neighbors would have minimal view of the church.

In response to a question by Chair Perica, Mr. Kanachen stated that people had been donating money for this project since the first building went up and they discovered the new zoning requirements within the last two years.

Board Member Vail mentioned that Ordinance number 2394, which revised the zoning ordinance to allow churches without conditional use permits subject to a lower building height allowed for a building height of 30 feet with a maximum of ten percent of the roof area to exceed that maximum height, resulting in a total maximum height of 45 feet. He inquired whether the 45-foot piece was ten percent or less of the roof area. Mr. Kanachen stated that the dome goes from 34 feet to 30 feet between the ten and fifteen percent at the ridge line of the roof which constitutes ten percent or less of the total, noting that the dome decreases as the height increases.

In response to an inquiry by Vice-Chair Goralski, Mr. Kanachen reviewed that the walls surrounding the perimeter of the proposed building would be 18 feet. He explained that the main ridge of the roof line goes up to 30 feet and then the triangular end goes up to 28 feet which is the ten to fifteen percent increase. Mr. Kanachen noted that he had reviewed the architectural drawings for the existing building and that building was never intended to go to the same height as the church.

In response to a question by Board Member Myers, Mr. Kanachen stated that he had no more information pertaining to criteria one and three.

Marlene Emorizan (phonetic) 5025 N. Central Avenue, Phoenix, addressed the Board. As a practicing attorney and the chair of the building committee for the church she felt that the church was uniquely dependent on the form and proportion of the building in order to provide the church focus that is required for the community; the height is necessary for the volume of the building. She stated that it had been a surprise to find out the zoning had been changed and that after extensive effort to raise money for a church of historic feeling it would be a great detriment if the application was denied.

Chair Perica noted that she had a total of seven non speaking cards in favor of the Church.

In response to a request by Chair Perica to hold an executive session, Ms. Scott stated that an executive session would need to have been agendized.

Vice-Chair Goralski expressed her sympathy for the issue noting the fifteen year span since the original effort to construct the facility and the zoning changes that have taken place during that time. She opined that the four criteria had not been met and that the case should be looked at as a church and from the historic issue, noting that even that would be a stretch.

Board Member Vail expressed a desire for an executive session with counsel. He withheld comment until after hearing the other Board Members remarks.

Board Member Jones stated that if a motion were required for executive session he would second that.

Board Member Myers expressed his sympathy to the Church's cause. He opined that the criteria of special circumstances and not being created by the owner were not met. He noted that he would have difficulty approving the variance.

Board Member Waldman echoed the sympathy of his fellow Board Members. He noted that he could make a case for the other three criteria but had difficulty with criteria number one. He withheld comment on whether he would support the variance.

Board Member Davis opined that the application did not meet the criteria which would allow the Board to grant a variance.

Chair Perica expressed her sympathy, noting she did not feel the four criteria had been met.

**BOARD MEMBER VAIL MOVED TO CONTINUE CASE 6-BA-2006 DUE TO THE UNIQUE CIRCUMSTANCES THAT A CHURCH PROPOSAL PRESENTS AND REQUESTED THAT AN EXECUTIVE SESSION FOR DISCUSSION OF THE ITEM BE PLACED ON THE AUGUST 2, 2006 AGENDA. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED BY A VOTE OF FIVE (5) TO TWO (2). VICE-CHAIR GORALSKI AND BOARD MEMBER MYERS DISSENTED.**

5. 8-BA-2006 Cosentino Residence

Ms. Hardy addressed the Board. Highlights of her presentation included an aerial view of the site, a zoning map depicting the R1-10 ESL area, a site plan of the property depicting the V-shaped configuration of the rear property line and the area of encroachment into the rear setback, and photographs of the rear fence line. Ms. Hardy mentioned that staff had received letters of approval from the adjacent property owners as well as the homeowners association. Staff opined that a smaller room addition could be built within the existing setbacks.

Mr. John Cosentino, Applicant, addressed the Board. He presented photographs of the property line and reviewed the four criteria. He opined that reconfiguring the design would require moving the kiva, patio, and pool.

In response to an inquiry by Board Member Vail, Mr. Cosentino explained that in order to obtain a replat, the property would have to be purchased from the golf course. He clarified that if approved the rear fence and lot line would not be affected.

In response to a request by Board Member Davis, Mr. Cosentino clarified that the only way to redesign the addition would be to shorten the length of the building or head it in a different direction, which would encroach on the pool and patio area.

Board Member Myers remarked that most of the criteria had been met. He was unsure about whether it was created by the Applicant. He withheld his comment in order to hear his fellow Board Members' remarks.

Board Member Waldman noted that he would support the variance.

Board Member Davis opined that the criteria were not met, because if the variance were denied, the Applicant would still have the rights and privileges of his neighbors.

Vice-Chair Goralski opined that all four criteria were met and that there were unique circumstances because of the substantial V-shape of the rear lot line. She supported the variance.

Board Member Vail agreed that the criteria were met. He mentioned that he was pleased that the fence would not be moved. He was in support of the variance.

Board Member Jones commented that the applicant had met all four criteria and noted his support for the variance.

Chair Perica opined that all of the criteria had been met.

**BOARD MEMBER JONES MOVED TO APPROVE 8-BA-2006. SECONDED BY BOARD MEMBER WALDMAN, THE MOTION CARRIED BY A VOTE OF SIX (6) TO ONE (1). BOARD MEMBER DAVIS DISSENTED.**

## **ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:01 p.m.

Respectfully submitted,  
A/V Tronics, Inc.